

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EVERT CALDWELL,

Plaintiff,

v.

COMPASS ENTERTAINMENT GROUP,  
LLC, *et al.*,

Defendants.

Case No. 2:12-CV-00458-KJD-GWF

**ORDER**

Presently before the Court is Defendant Jeffrey P. Kranzdorf's Motion to Dismiss, or in the alternative, Quash Service (#12). Plaintiff filed a response in opposition (#18) to which Defendant Kranzdorf replied (#19).

Defendant Kranzdorf moves the Court to dismiss the action or quash service of process for failure to serve the summons and complaint in compliance with Federal Rule of Civil Procedure ("Rule") 4(e). On April 23, 2012, Plaintiff filed Summons Returned Executed (#10) asserting that the process server hired by Plaintiff had personally served Plaintiff at his residence on April 12, 2012. Kranzdorf, by affidavit, denies that he was personally served the summons and complaint, but instead found it on the porch of his California residence. In response, Plaintiff filed the affidavit of

1 the process server in which he admits that he left the summons and complaint upon the porch, but  
2 only after Kranzdorf refused to answer the door.

3 Since Plaintiff admits that service of process was not conducted in accordance with Rule 4,  
4 the Court grants Defendant's motion to quash service of process. Plaintiff should avail himself of  
5 the procedures found in Rule 4(d) for requesting a waiver of service of process. If Kranzdorf fails to  
6 waive service, the cost of later serving the summons and complaint must be imposed on Defendant  
7 by the Court. See Fed. R. Civ. P. 4(d)(2)(A). Furthermore, Plaintiff will be able to collect the  
8 reasonable expenses, including attorney's fees, of any motion required to collect those service  
9 expenses. See Fed. R. Civ. P. 4(d)(2)(B). Further, counsel for Defendant Kranzdorf is ordered to  
10 file notice of whether he is authorized to accept service on behalf of Defendant Kranzdorf within  
11 (10) days of the entry of this order.

12 Accordingly, IT IS HEREBY ORDERED that Defendant Jeffrey P. Kranzdorf's Motion to  
13 Dismiss, or in the alternative, Quash Service (#12) is **GRANTED** to the extent that service of  
14 process executed on April 12, 2012 is **QUASHED**;

15 IT IS FURTHER ORDERED that counsel for Defendant file notice within ten (10) days of  
16 the entry of this order whether he is authorized to accept service of process on behalf of Defendant  
17 Kranzdorf.

18 DATED this 18<sup>th</sup> day of October 2012.

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22 Kent J. Dawson  
23 United States District Judge  
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